

Paper No. 594
Disposes of
Paper No. 546; and of
Paper No. 544, in part
only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al }

- vs - }

ARAKI, Sadao; et al }

ORDER:
THAT FACILITIES TO INTER-
VIEW OR INTERROGATE CERTAIN
WITNESSES REQUESTED BY THE
ACCUSED MUTO BE PROVIDED;
AND FOR 11 SUMMONS; AND FOR
THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 18th day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of MUTO, Akira, one of the defendants herein, for the production of certain witnesses necessary to the defense of the said MUTO, Akira, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the names of said witnesses being set forth in said application, which is Paper No. 544; and the application of the said MUTO, Akira, for the production of documents, which application is Paper No. 546; and after hearing statements and arguments of Counsel for the said MUTO, Akira, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. TERADA, Seichi

- (a) This person is a Japanese, resident in Tokyo;
- (b) At the time of the China Incident he was on the General Staff.

2. SAITO, Yoshie;
 - (a) This person is a Japanese, resident in Tokyo;
 - (b) This person was a diplomatic advisor to General Matsui.
3. NAKAYAMA, Yasuto;
 - (a) This person is a Japanese, resident in Tokyo;
 - (b) This person was formerly a Staff Officer under General Matsui.
4. IWAKURO, Hideo;
 - (a) This person is a Japanese, resident in Tokyo;
 - (b) He was formerly in charge of a section in the Military Affairs Bureau under Muto.
5. IKAWA, Tadao;
 - (a) This person is a Japanese, resident of Tokyo;
 - (b) This person took part in the pre-war negotiations with United States.
6. ISHII, Akiho;
 - (a) This person is a Japanese, resident of Nagano Prefecture;
 - (b) He was formerly chief of a division of the Military Affairs Section under Muto.
7. NISHIURA, Susumu;
 - (a) This person is a Japanese, resident of Tokyo;
 - (b) He was a senior member of a section in the Military Affairs Bureau when Muto was Chief of said Bureau.
8. YAMAMOTO, Kumaichi;
 - (a) This person is a Japanese, resident of Tokyo;
 - (b) He was Chief of a bureau with the Foreign Office when Muto was Chief of Military Affairs Bureau.

9. OASA, Tadao;
(a) This person is a Japanese, resident of Tokyo;
(b) He was formerly a Minister of State.
10. YUZAWA, Michio;
(a) This person is a Japanese, resident of Tokyo;
(b) He was formerly Vice Minister of Home Affairs, later Home Minister.
11. KAMEI, Kan-ichiro;
(a) This person is a Japanese and resident of Kamakura;
(b) He was a former member of House of Representatives;
and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to-wit: TERADA, Seichi, SAITO, Yoshie, NAKAYAMA, Yasuto, IWAKURO, Hideo, IKAWA, Tadao, ISHII, Akiho, NISHIURA, Susumu, YAMAMOTO, Kumeichi, OASA, Tadao, YUZAWA, Michio, and KAMEI, Kan-ichiro, to attend and testify before said Tribunal as a witness for the accused MUTO, Akira, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to counsel for the accused MUTO, Akira, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. MATSUI, Iwane;
(a) This person is of Japanese nationality and is one of the accused in the present trial. He is confined in Sugamo Prison.

2. SATO, Kenryo;
(a) This person is a Japanese and is one of the accused in the present trial. He is confined in Sugamo Prison.
3. HOSHINO, Naoki;
(a) This person is of Japanese nationality and one of the accused in the present trial. He is confined in Sugamo Prison.
4. TOJO, Hideki;
(a) This person is of Japanese nationality and one of the accused in the present trial. He is confined in Sugamo Prison.

It is further ORDERED: That the application of the accused (Paper No. 544) for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused (Paper No. 546) for the production of documents is granted; and that the following documents, which are thought to be located in the files of the former Japanese War Ministry, be procured forthwith and lodged with the Registry of the Tribunal:

- (a) Imperial Ordinance of 23 December 1941
regarding regulation of prisoner of war camps;

- (b) Imperial Ordinance of 27 December 1941 regarding Prisoner of War Information Bureau;
- (c) Letter of Advice to troops, from Japanese War Ministry regarding treatment of enemy medical personnel;
- (d) Message dated 29 January 1942 from Foreign Minister TOGO to the United States, Britain, and other countries, through a neutral country, replying to inquiries regarding future treatment of prisoners of war;
- (e) Rules of the War Ministry setting up the "Control Department" relative to prisoners of war;
- (f) "Order for service to the Higher Headquarters during wartime";
- (g) Ordinance of the Supreme War Council.

Dated at Tokyo, Japan, this 3 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB
PRESIDENT